

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Rusty Brown as Trustee of the Charles R.  
Ellis Living Trust, et al.,

Plaintiffs

v.

National Default Servicing Corporation, et al.,  
Defendants

Case No.: 2:23-cv-1178-JAD-NJK

**Order Dismissing and Closing Case**

[ECF Nos. 8, 9, 10, 20, 22]

The Charles R. Ellis Living Trust filed this quiet-title action to stop its lender from foreclosing on the long unpaid mortgage on the trust’s condominium unit at 5250 S. Rainbow Blvd. #1155 in Las Vegas, Nevada.<sup>1</sup> The trust theorizes that the deed of trust securing that mortgage “expired under NRS 106.240” because the debt was accelerated back in 2009 and the statute deems a deed of trust automatically discharged ten years after the notice of default.<sup>2</sup> This legal theory is the latest in more than a decade of homeowners’ arguments aimed at avoiding mortgage obligations after the 2008 mortgage crisis that particularly plagued the Las Vegas housing market. But the Supreme Court of Nevada squashed that theory in its published opinion last month in *LV Debt Collect, LLC v. BONY*, 534 P.3d 693, 2023 WL 5490314 (Nev. Aug. 24, 2023). So I issued an order directing the plaintiffs to show cause in writing by September 12, 2023, why this action should not be dismissed based on *LV Debt Collect*.<sup>3</sup> That deadline passed without any response to the order to show cause or request to extend the time to file one.<sup>4</sup>

<sup>1</sup> ECF No. 1-1 at 4 (complaint).

<sup>2</sup> *Id.* at 5.

<sup>3</sup> ECF No. 22.

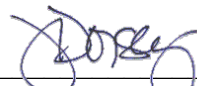
<sup>4</sup> See ECF No. 27 (notice of no response).

1 Because the Supreme Court of Nevada's *LV Debt Collect* opinion dooms the plaintiffs'  
2 legal theory, and the plaintiffs have failed to show cause why this case should not be dismissed  
3 as a result of that development,

4 IT IS ORDERED that **this case is DISMISSED with prejudice and the lis pendens is**  
5 **CANCELED AND EXPUNGED.**

6 IT IS FURTHER ORDERED that **all pending motions [ECF Nos. 8, 9, 10, 20] are**  
7 **DENIED as moot, and the 10/11/23 hearing on those motions is VACATED.**

8 The Clerk of Court is directed to **ENTER JUDGMENT accordingly and CLOSE**  
9 **THIS CASE.**

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12 U.S. District Judge Jennifer A. Dorsey  
13 September 26, 2023  
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